

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON MARCH 27, 2013

Members Present: Sherman E. Briggs, Jr., Chairman
Joel D. Hartley, Treasurer
Norman A. Hills, Clerk
Stephen C. Gonsalves

Members Absent: Lawrence B. Dorman, Vice Chairman
Jeffrey W. Oakes, Associate
Wendy L. Carreau, Associate

Secretary: Diane R. Drake

Others Present: Dr. Henning Gaissert, Mark Patroliia, Fred and Betty Danhauser, Susannah Davis (Susannah Davis Landscape Architect), David Davignon (N. Douglas Schneider & Associates), Frank Cerkovitz, Joan Hartnett-Barry (The Wanderer), Ray and Diane Pickles, and John Churchill (J.C. Engineering)

Meeting convened at 7:00 PM Wednesday, March 27, 2013 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, March 23, 2013 by J. Hartley and N. Hills. This meeting was audio recorded by Town of Marion staff.

7:00 PM **DIANE Y. BONDI-PICKLES**, 29 Cove Street - RFD (41D-1498) to add and grade approximately 155 cubic yards of fill in a low area of the site. This hearing was continued from March 13, 2013 due to the absence of the Applicant and the requested additional information showing the flood zones. Diane and Ray Pickles were present. A third site inspection had been held. R. Pickles submitted a revised plan with the velocity zone plotted. He said the map is in error based on benchmarks, and only 100 cubic yards or less of fill will be needed. R. Pickles said this is not structural fill and will be loamed, seeded, and left to grow. N. Hills said the Determination will likely limit the fill to the low area, not the whole site. R. Pickles said that less than 1' of fill is needed. S. Briggs moved to close the hearing; S. Gonsalves seconded; voted unanimously.

7:05 PM **MINUTES** were reviewed. N. Hills moved to accept the February 27, 2013 minutes as amended; J. Hartley seconded; voted unanimously. N. Hills moved to accept the March 13, 2013 minutes as amended; J. Hartley seconded; voted unanimously.

7:10 PM **DR. HENNING GAISSERT**, 28 Front Street – Notice of Intent (File No. SE 041-1194) to demolish the existing dwelling and construct a new dwelling and driveway. Dr. Henning Gaissert was present with his Contractor, Mark Patroliia. Abutters Fred and Betty

Danhauser said they could not hear the conversation and asked to sit at the table. N. Hills said there are no markers showing where the boundary lines are, and the wet area on the lot. N. Hills said he agrees that the wet area is clearly an isolated wetland and not protected, but does not understand why there has to be a new driveway. F. Danhauser said the wet area is a vernal pool; S. Briggs said it is not a vernal pool unless it is certified, and this is not certified. Dr. Gaissert said he did not think the wet area was even on his property. D. Davignon arrived at 7:15 PM. N. Hills explained to D. Davignon that there was no way to tell where the wet area and bounds are; D. Davignon said the wet area is not regulated. N. Hills said he knows the wet area is not regulated but wants to know where it is on the plan. D. Davignon said he needs to stake out the house for the building permit application and could locate the wet area then. S. Briggs said a vegetated berm in the 10' elevation between the driveway and the abutters will prevent runoff onto the abutters. Mark Patroliia had left the building for a short time to visit the site and locate the wet area. He said the "pond" is 18.7' from the house, and is located in the brush. He said the wet area extends 15' onto Dr. Gaissert's lot.

S. Briggs opened the meeting to the public, of which only Fred and Betty Danhauser were present for this hearing. F. Danhauser submitted photos showing the ponding on the site after a heavy rain event. S. Briggs said the Town's pumping station site is elevated which prevents water from flowing onto Front Street, causes ponding. B. Danhauser asked where the water will go when the lot is filled; D. Davignon said the new driveway will tilt from the rear of the property to the street, so there will not be any new flooding. D. Davignon said a solution would be to construct a storm drain leading to the street. D. Davignon said the 10'-12' berm will not solve Danhausers' ponding problem, but will not add to it, either. M. Patronia said there will be gravel under the house, which possibly could help with drainage. He said Dr. Gaissert owns the abutting home to the south and the low area between these two properties could be turned into a drainage swale. N. Hills moved to continue the hearing, with the Applicant's consent, to 7:40 PM on April 10, 2013 and inspect the site again on April 6, 2013; J. Hartley seconded; voted unanimously.

7:47 PM **PAUL MURPHY**, 14 Doran Way – Notice of Intent (File No. SE 041-1193) to demolish the existing dwelling and construct a new dwelling and deck. S. Briggs left the table. John Churchill of JC Engineering represented the Owner and described the project. The wetland line was flagged by Robert Gray of Sabatia. N. Hills said there is a stream about 30' behind the wetland line that is not shown on the plan. N. Hills said the shed needs to be moved up from the wetlands or removed from the site. The entire site is in a Velocity Flood Zone, elevation 16'. The existing foundation will be taken away. N. Hills questioned the discrepancy in the location of the deck; J. Churchill said the JC Engineering plan will govern and he will notify the builder of the error. N. Hills preferred to continue the hearing so that a revised plan could be submitted. D. Drake explained that the Order of Condition is needed for the closing on this property in two days and asked if the issues could be resolved tonight. J. Churchill said he could submit the revised plan tomorrow. J. Hartley said the location of the stream will not affect this project. N. Hills moved to close the hearing but not issue the Order of Conditions until the revised plan showing the stream and relocated/removed shed is received; J. Hartley seconded; voted unanimously. S. Briggs returned to the table.

8:00 PM **FRANK CERKOVITZ**, Cross Neck Road – appointment for discussion regarding required agricultural work to convert his Chapter 61A cranberry bog to a conservation restriction.

Frank Cerkovitz was present. S. Briggs said neither the Grassi Bog nor Goldovitz Bog conversions required a filing for similar work. J. Hartley will contact the people ordering this work to be done to see if a wetlands filing is even needed.

8:10 PM **TOWN OF MARION, SPRAGUE'S COVE PROJECT**, Front Street (File No. SE 041-556). Landscape Architect Susannah Davis was present and gave her recommendations on how to revegetate the site to allow easy maintenance by the Town. She said the fence needs to be repaired or re-installed; S. Gonsalves said he has eight to ten post and rail sections. S. Davis would like to have vegetated areas in the corners of the basins for use by wildlife. S. Gonsalves said there is a tremendous amount of garbage blocking the overflow pipe. Once the dikes are repaired a conservation mix with some fast growing winter rye should immediately be planted. S. Davis said the roots of the phragmites are holding the banks together, but the phragmites are dying and she would plant spartina to prevent erosion. N. Hills will draft a schedule of maintenance repair tasks. S. Briggs said the Conservation Commission is the steward for this project and he would recommend a \$6,000.00 line item be added to our budget for maintenance.

DIANE Y. BONDI-PICKLES – to fill in a depression at 29 Cove Street (File No. 41D-1498). J. Hartley moved to issue a Conditional Negative Determination for Box #2 (flood plain) with a condition that fill is limited to the area sketched on the plan; N. Hills seconded; voted unanimously.

PAUL MURPHY – to demolish a dwelling and construct a new dwelling at 14 Doran Way (File No. SE 041-1193). N. Hills drafted the Order of Conditions and moved to issue it as written; J. Hartley seconded; voted by majority with S. Briggs abstaining.

Meeting adjourned at 9:00 PM.

Diane R. Drake, Secretary

Approved May 8, 2013